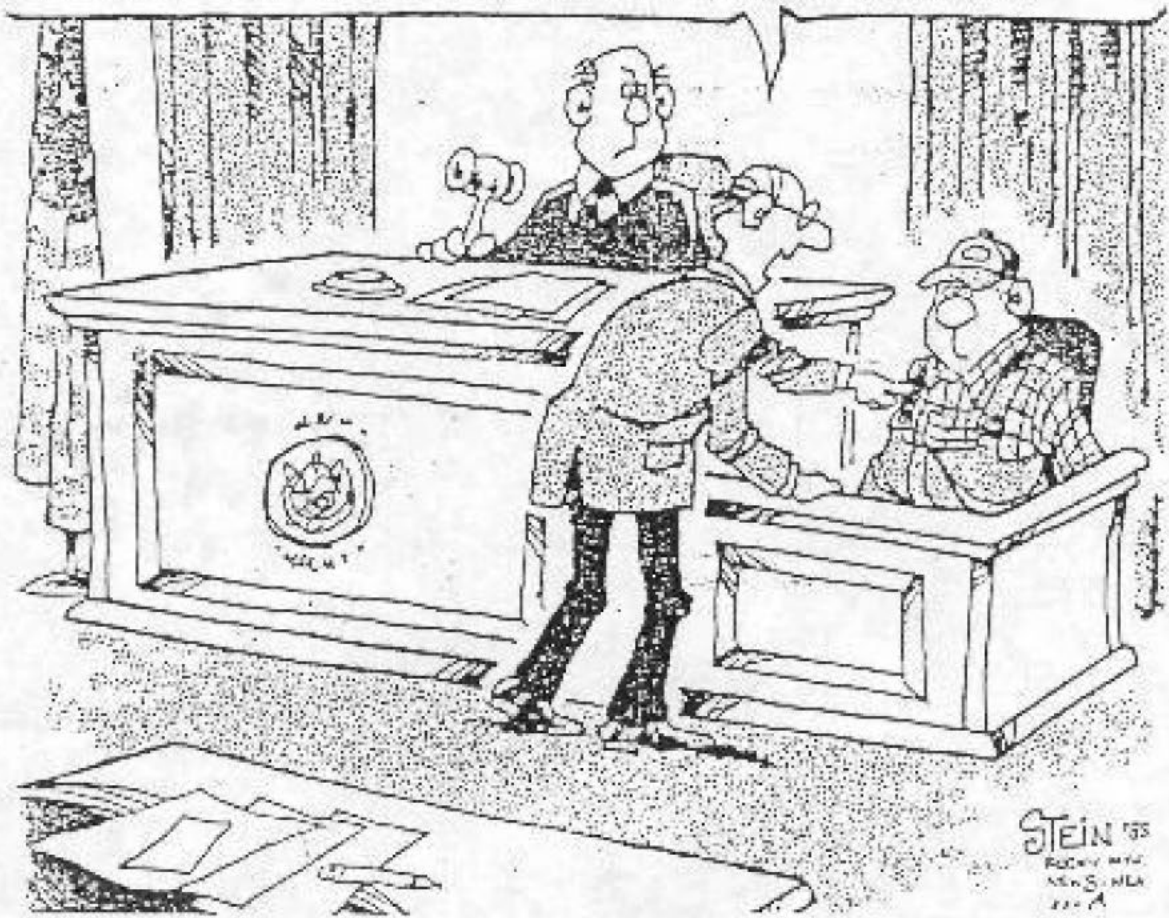


ADMISSIBILITY & RECEIPT OF EVIDENCE



OFFICE OF THE CHIEF IMMIGRATION JUDGE
ACIJ JACK H. WEIL
OCTOBER 16, 2018

SO YOU ADMIT IT: **YOU** PLANTED THE CORN USED BY THE DISTILLERY TO MAKE THE WHISKEY SOLD TO THE BAR THAT SERVED MY CLIENT, CAUSING HIM TO HAVE AN ACCIDENT WHILE DRIVING HOME DRUNK!



**Identifying
issues for
resolution**

In removal proceedings under section 240 of the Immigration and Nationality Act

(b) (6)

In the Matter of:

Respondent:

(b) (6)

currently residing at:

IN I&NS CUSTODY

(Number, street, city state and ZIP code)

DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW

JAN 27 2003

FILED WITH

SAN DIEGO, CA

- ☐ 1. You are an arriving alien.
☒ 2. You are an alien present in the United States who has not been admitted or paroled.
☐ 3. You have been admitted to the United States, but are deportable for the reasons stated below.

The Service alleges that you:

- 1) You are not a citizen or national of the United States;
- 2) You are a native of CHINA, PEOPLES REPUBLIC OF and a citizen of CHINA, PEOPLES REPUBLIC OF;
- 3) (b) (6)
- 4) You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

.212 (a) (6) (A) (i) of the Immigration and Nationality Act, as amended; in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

- ☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8 CFR 208.30(f)(2) ☐ 8 CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

a place to be set

on a date to be set
(Date)

at a time to be set to show
(Time)

(b) (7)(C)

es based on the

charge(s) set forth above.

Date: January 22, 2003

San Diego, California

(City and State)

See reverse for important information

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(b) (6)

In the Matter of:

Respondent:

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DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW

JAN 27 2003

FILED WITH
IMMIGRATION COURT
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or torture.

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Date: January 22, 2003

San Diego, California

(City and State)

See reverse for important information

~~COR/LPR~~

~~COR/NLPR~~

PRE-VR

Legal – **NO**

~~POST VR~~

1X = **2018**

~~ASYLUM~~

Hurt - **NO**

~~WITHHOLDING~~

~~209~~

M(arried) – **NO**

~~CAT~~

K(ids) – **NO**

~~212(c)~~

P(arents) – **NO**

~~212(h)~~

F(iled) – **NO**

~~ADJUSTMENT~~

\$ - **NO**

~~REGISTRY~~

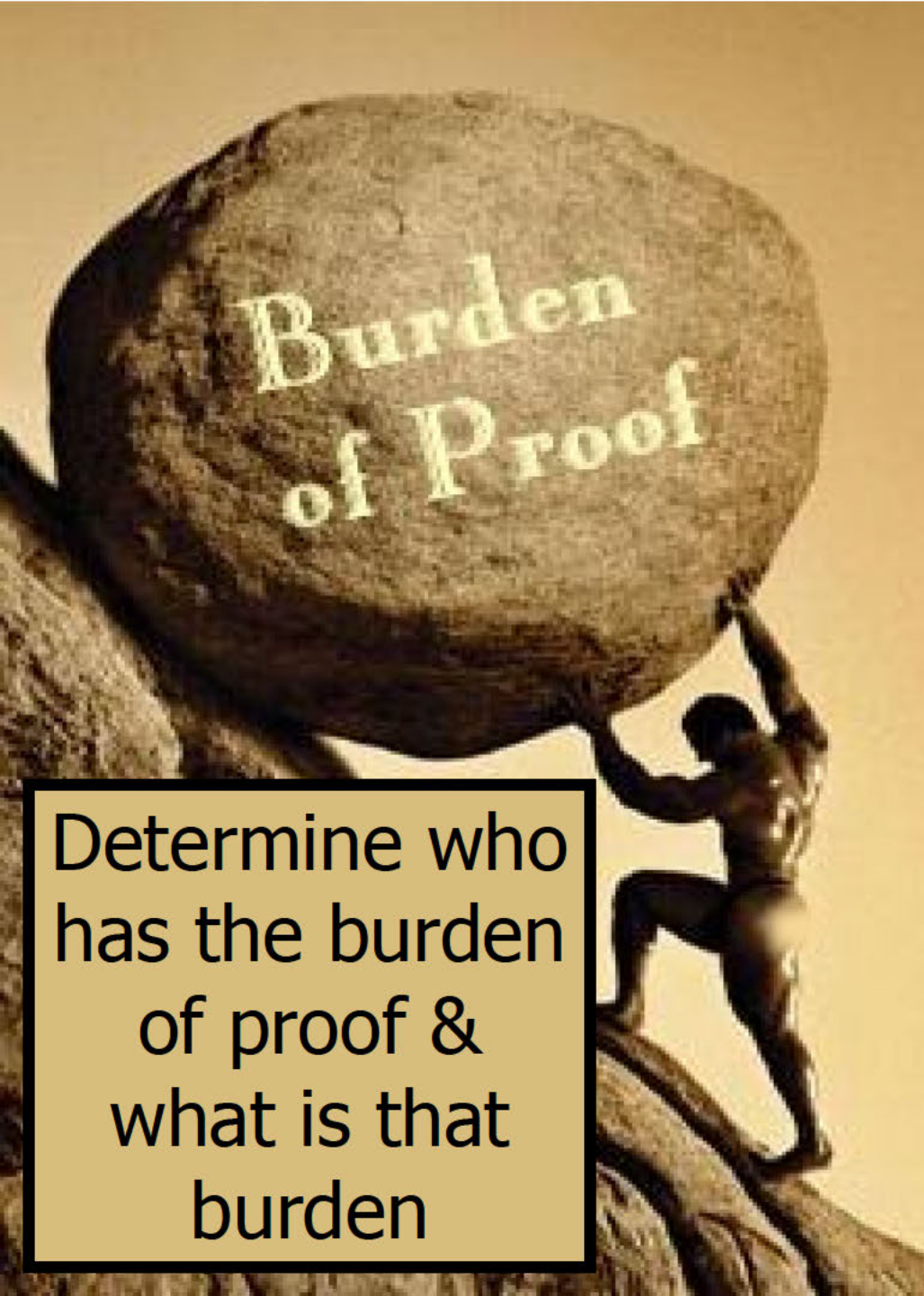
Victim - **NO**

~~TPS~~

~~NACARA~~

The Issue





Determine who
has the burden
of proof &
what is that
burden

Preponderance of
the evidence

Clear & convincing

Clear probability

More likely than not

Beyond a doubt

Receiving & Organizing Evidence



Find Exhibit #4



Recommendation for Receiving Evidence

1.



Documents

2.



Testimony

3.



Other evidence

Tracking Evidence

Evidence Collection Worksheet Matter of _____; A _____ - _____ - _____

A. Documents

Exhibit 1 - Notice to Appear	(ID / AD)	COR/LPR
Exhibit ____ - _____	(ID / AD)	COR/NLPR
Exhibit ____ - _____	(ID / AD)	PRE -VR
Exhibit ____ - _____	(ID / AD)	POST-VR
Exhibit ____ - _____	(ID / AD)	ASYLUM
Exhibit ____ - _____	(ID / AD)	WITHHOLDING
Exhibit ____ - _____	(ID / AD)	TORTURE
Exhibit ____ - _____	(ID / AD)	REFUGEE
Exhibit ____ - _____	(ID / AD)	REGISTRY
Exhibit ____ - _____	(ID / AD)	ADJUSTMENT
Exhibit ____ - _____	(ID / AD)	212(h)
Exhibit ____ - _____	(ID / AD)	TPS
Exhibit ____ - _____	(ID / AD)	NACARA
Exhibit ____ - _____	(ID / AD)	212(c)
Exhibit ____ - _____	(ID / AD)	DV, Traffic, Crime, Harm
Exhibit ____ - _____	(ID / AD)	_____
Exhibit ____ - _____	(ID / AD)	_____, _____

Parents = USC

A. Testimony

<u>Name of Witness:</u>	<u>Called by:</u>
_____	(DHS / R)
_____	(DHS / R)
_____	(DHS / R)
_____	(DHS / R)
_____	(DHS / R)
_____	(DHS / R)
_____	(DHS / R)

B. Other Evidence

_____ of _____

Linking Evidence & Issues

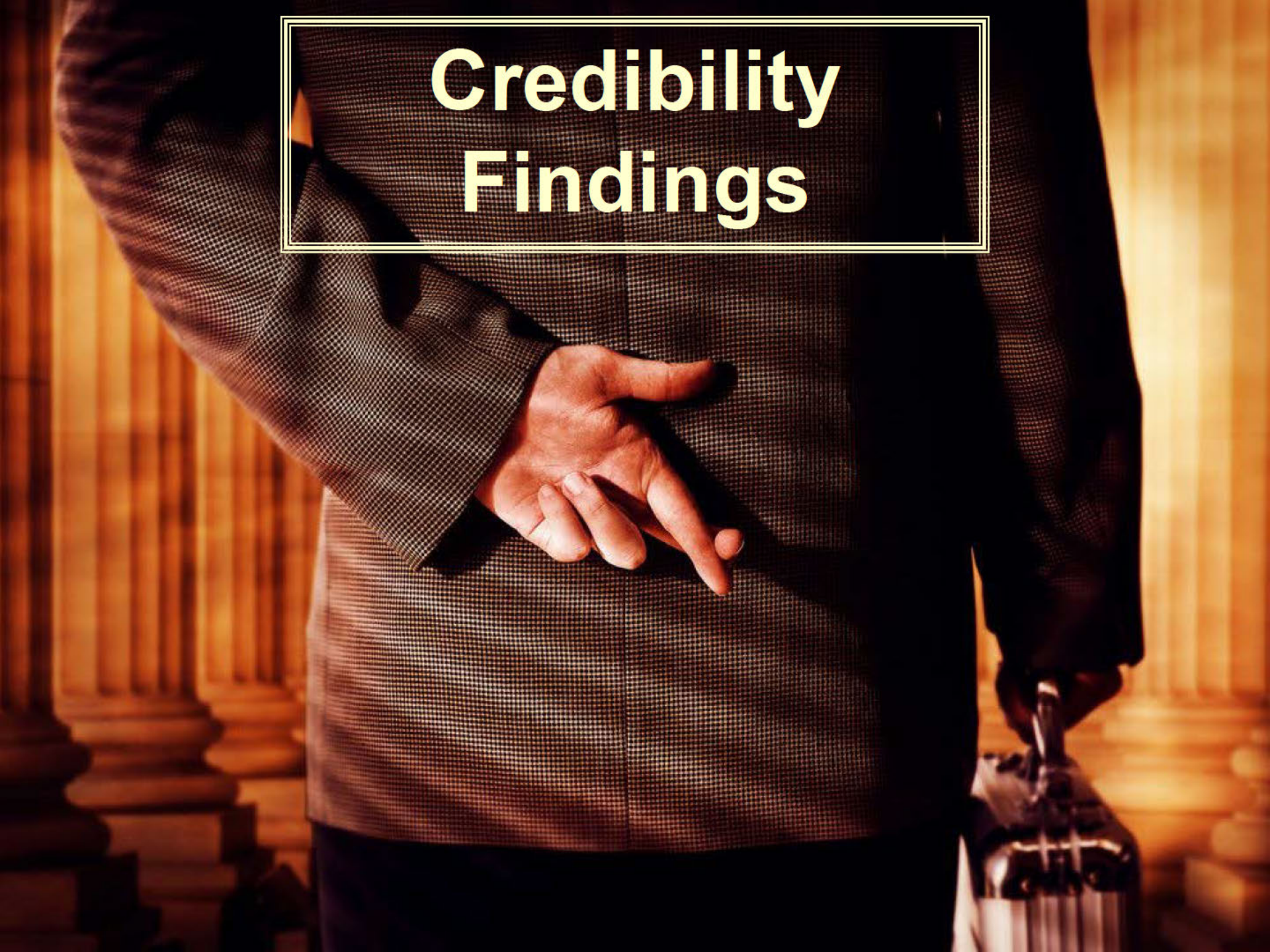
Cancellation for Non-Permanent Residents	Documents	Testimony	Other
10 years presence	Ex 1 School Record Ex 3 Utility Bill Ex 5 Pay Stub	Neighbor Employer	
Good moral character	Ex 6 Certificate Ex 8 Friend Letter	Sister Pastor	Proffer re: Brothers
No disqualifying conviction	Ex 9 State Clearance		Stipulated
Exceptional & extremely unusual hardship	Ex 10 Marriage cert. Ex 11 D' s birth cert. Ex 12 Medical doc.	Dr. Smith Teacher Daughter	
Discretion	Ex 13 Church Letter Ex 14 Charity Letter	Respondent	

Admissibility of Evidence in Immigration Proceedings

The test for admissibility of evidence in immigration proceedings is:

- 1. Whether the evidence offered has probative value (i.e., tendency to make the existence of any fact of consequence more or less probable), and**
- 2. Whether its use is consistent with a fair hearing.**

Credibility Findings



Credibility Factors

Is he for real!?



Candor

Responsiveness

Inherent plausibility

Demeanor

Consistency

Corroboration

Any other factor

Credibility Findings

Is he for real!?

Oral decision must include an explicit finding as to whether testimony is credible.

If you find a witness not credible, you must explain why. If it is due to an inconsistency, identify the inconsistency, give an opportunity to explain, explain why you are not persuaded, and state how the inconsistency is central.

There are many reasons one may not be credible besides lying.

Be culturally sensitive in assessing demeanor.



Keep the Record Neat & Organized

Control your courtroom & enforce well-established rules & practices.

